

The European Commission refers the assessment of the acquisition of the Mestdagh supermarkets by the Intermarché group to the Belgian Competition Authority

On 15 June 2022, the European Commission has decided to refer to the Belgian Competition Authority (“BCA”) the assessment of the acquisition by ITM Alimentaire Belgium (“Intermarché”) of sole control over the retail activities of the Mestdagh group. Both companies are active in food retailing in Belgium.

After a preliminary examination, the European Commission has considered that the BCA is best placed to investigate the merger as a whole, since it only concerns the Belgian territory, as well as in view of the experience of the BCA in this sector.

Under Article 4(4) of the EU Merger Regulation 139/2004, the Commission can refer the examination of a concentration to the national authority best placed to assess its impact on competition if the concentration 'may significantly affect competition in a market within a Member State which presents all the characteristics of a distinct market'.

It is now up to the BCA to analyze the impact of the transaction on the relevant markets in Belgium, including at the local level, and to assess its competitive effects. At this stage, the BCA and Intermarché are working together to complete the notification file.

Since the beginning of 2022, the BCA has handled 29 merger cases, 16 of which are still ongoing.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)